

ORDINANCE NO. 20231019-063

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 701 TILLERY STREET, IN THE GOVALLE/JOHNSTON TERRACE COMBINED NEIGHBORHOOD PLAN AREA FROM FAMILY RESIDENCE-NEIGHBORHOOD PLAN (SF-3-NP) COMBINING DISTRICT TO GENERAL COMMERCIAL SERVICES-MIXED USE-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (CS-MU-CO-NP) COMBINING DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from family residence-neighborhood plan (SF-3-NP) combining district to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district on the property described in Zoning Case No. C14-2023-0018.SH, on file at the Planning Department, as follows:

1.19 acres of land, being a portion of LOT 1 of the SIEGMUND ADDITION, SECTION FOUR, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat thereof as recorded in Volume 31, Page 27, of the Plat Records of Travis County, Texas, said 1.19 acres of land being more particularly described as TRACT 2 by metes and bounds in **Exhibit "A"** incorporated into this ordinance (the "Property"),

locally known as 701 Tillery Street in the City of Austin, Travis County, Texas, generally identified in the map attached as **Exhibit "B"**.

PART 2. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

(A) The following uses are prohibited uses on the Property:

Automotive rentals	Automotive repair
Automotive sales	Automotive washing (of any type)
Equipment sales	Kennels
Pawn shop services	Vehicle storage

(B) The following uses are conditional uses of the Property:

Agricultural sales and services
Construction sales and services
Laundry services

Building maintenance services
Equipment repair services
Limited warehousing and
distribution

PART 3. Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the general commercial services (CS) base district, mixed use (MU) combining district, and other applicable requirements of the City Code.

PART 4. Except as specifically modified by this ordinance, the Property is subject to Ordinance No. 030327-11a that established zoning for the Govalle Neighborhood Plan.

PART 5. This ordinance takes effect on October 30, 2023.

PASSED AND APPROVED

_____, October 19, 2023

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Kirk Watson
Mayor

APPROVED: 
Anne L. Morgan
City Attorney

ATTEST: 
Myrna Rios
City Clerk

TITLE COMMITMENT NOTES

COMMITMENT FOR TITLE INSURANCE PREPARED BY: OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, FILE NO. 2020159, EFFECTIVE DATE: FEBRUARY 4, 2020

THE SURVEYOR HAS RELIED UPON THE REFERENCED COMMITMENT FOR TITLE REGARDING EASEMENTS, RESTRICTIONS AND OTHER MATTERS AFFECTING THIS PROPERTY. NO ADDITIONAL RESEARCH WAS DONE FOR THE PURPOSE OF THIS SURVEY. SURVEYOR'S NOTES AND/OR OBSERVATIONS SHOWN IN BRACKETS []

THE FOLLOWING MATTERS ADDRESSED BY THE SURVEYOR ARE ITEMIZED BELOW

10. THE FOLLOWING MATTERS AND ALL TERMS OF THE DOCUMENTS CREATING OR OFFERING EVIDENCE OF THE MATTERS (WE MUST INSERT MATTERS OR DELETE THIS EXCEPTION

a. ANY VISIBLE AND APPARENT ROAD OR OTHER EASEMENT CROSSING THE LAND, WHETHER PUBLIC OR PRIVATE EASEMENT, THE EXISTENCE OF WHICH IS NOT DISCLOSED BY THE PUBLIC RECORDS, INCLUDING, BUT NOT LIMITED TO, EXISTING UTILITY LINES AND EQUIPMENT IN PLACE, (TRACTS 1 & 2)

b. ALL LEASES, GRANTS, EXCEPTIONS OR RESERVATIONS OF COAL, LIGNITE, OIL, GAS AND OTHER MINERALS, TOGETHER WITH ALL RIGHTS, PRIVILEGES AND IMMUNITIES RELATING THERETO, APPEARING IN THE PUBLIC RECORDS WHETHER LISTED IN SCHEDULE B OR NOT. THERE MAY BE LEASES, GRANTS, EXCEPTIONS OR RESERVATIONS OF MINERAL INTEREST THAT ARE NOT LISTED. (TRACTS 1 & 2)

c. EASEMENT GRANTED TO THE CITY OF AUSTIN AS RECORDED IN VOLUME 802, PAGE 173, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS. (TRACTS 1 & 2) [AS DEPICTED] (ONLY APPLIES TO TRACT 1)

d. EASEMENT GRANTED TO THE CITY OF AUSTIN AS RECORDED IN VOLUME 214, PAGE 448, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS. (TRACT 1) [AS DEPICTED]

e. EASEMENTS GRANTED TO THE CITY OF AUSTIN AS RECORDED AS VOLUME 818, PAGE 73, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS. (TRACT 1) [AS DEPICTED]

f. EASEMENT GRANTED TO THE CITY OF AUSTIN AS RECORDED IN VOLUME 10965, PAGE 1173, OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS. (TRACT 1) [AS DEPICTED]

g. EASEMENT GRANTED TO THE CITY OF AUSTIN AS RECORDED IN VOLUME 10094, PAGE 440, OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS. (TRACT 1) [AS DEPICTED]

h. EASEMENT GRANTED TO THE CITY OF AUSTIN AS RECORDED IN VOLUME 10078, PAGE 5, OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS. (TRACT 1) [AS DEPICTED]

i. EASEMENT GRANTED TO THE CITY OF AUSTIN AS RECORDED IN VOLUME 10082, PAGE 585, OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS. (TRACT 1) [DOES NOT AFFECT]

j. RIGHT OF ENTRY AND POSSESSION EASEMENT GRANTED TO THE CITY OF AUSTIN AS RECORDED IN DOCUMENT NUMBER 2019146807, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, HAVING BEEN AFFECTED BY RELEASE OF RIGHT OF ENTRY AND POSSESSION AS RECORDED IN DOCUMENT NUMBER 201725316, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS. (TRACT 1) [AS DEPICTED]

k. WASTEWATER EASEMENT GRANTED TO THE CITY OF AUSTIN AS RECORDED IN DOCUMENT NUMBER 201704202, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS. (TRACT 1) [AS DEPICTED]

l. TEMPORARY STAGING AND AREA AND MATERIAL STORAGE SITE EASEMENT GRANTED TO THE CITY OF AUSTIN AS RECORDED IN DOCUMENT NUMBER 201704202, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, HAVING BEEN AFFECTED BY EXTENSION AGREEMENT AS RECORDED IN DOCUMENT NUMBER 201907702, 201907702, 2019146807, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS. (TRACT 1) [DOES NOT AFFECT]

m. ANY AND ALL EASEMENTS, BUILDING LINES, RESTRICTIONS, COVENANTS OR CONDITIONS AS SHOWN ON THE PLAT RECORDED IN VOLUME 11, PAGE 27, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS. (TRACT 2) [AS DEPICTED]

n. SANITARY SEWER EASEMENT AS SHOWN ON THE PLAT RECORDED IN VOLUME 2176, PAGE 14, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS. (TRACT 2) [DOES NOT AFFECT]

o. EASEMENT GRANTED TO THE CITY OF AUSTIN AS DESCRIBED IN VOLUME 985, PAGE 303, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS. (TRACT 2) [DOES NOT AFFECT]

p. DRAINAGE EASEMENT GRANTED TO THE CITY OF AUSTIN AS DESCRIBED IN VOLUME 823, PAGE 320, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS. (TRACT 2) [AS DEPICTED]

q. DRAINAGE AND PUBLIC UTILITY EASEMENT GRANTED TO THE CITY OF AUSTIN AS DESCRIBED IN VOLUME 10109, PAGE 1655, OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS. (TRACT 2) [AS DEPICTED]

FLOOD INFORMATION

PER WWW.FEMA.GOV, A PORTION OF THIS PROPERTY APPEARS TO BE LOCATED IN ZONE AE. THIS PROPERTY WAS FOUND IN MAP NUMBER 48453C04653, DATED 01/22/2020.

DATUM & BEARING BASIS

TEXAS STATE PLANE COORDINATE SYSTEM, GRID NORTH, CENTRAL ZONE (4209), NAD 83, ELEVATION DATA NAVD 88, GEDID 128, DISTANCES IN US SURVEY FEET (GRID).

GENERAL NOTES

- 1) THIS PROPERTY IS SUBJECT TO ANY AND ALL RECORDED AND UNRECORDED EASEMENTS. SURVEYOR HAS MADE NO INVESTIGATION FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS OR OWNERSHIP TITLE EVIDENCE.
- 2) THIS SURVEY ONLY SHOWS ABOVE GROUND IMPROVEMENTS.
- 3) SUBJECT TO ALL APPLICABLE CITY OF AUSTIN DEVELOPMENT CODES AND ZONING ORDINANCES.
- 4) DUE TO DIFFERING BUILDING PRACTICES, BUILDING DIMENSIONS ARE APPROXIMATE.
- 5) ANY UTILITIES SHOWN HEREON MAY BE EXAGGERATED FOR GRAPHIC REPRESENTATION ONLY.
- 6) OWNERSHIP DEED RECORDED IN DOCUMENT NO. 2013014224, TRAVIS COUNTY RECORDS.

TO: PROPOSED INSURED (PLANS/CAPITAL BANK) AND CURRENT OWNER (3423 HOLDINGS LLC)

THE UNDERSIGNED DOES HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND OF THE PROPERTY SHOWN HEREON UNDER MY DIRECTION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS STANDARDS AND SPECIFICATIONS FOR A CATEGORY 1A, CONDITION II LAND TITLE SURVEY.

DATE OF LAST FIELD WORK: MARCH 13, 2020

DEREK KINSAIL, R.P.L.S. NO. 6356 MAY 14, 2020
FIRM NO. 10184157

DRAWN BY: EO
FIELD CREW: EM

REVIEWED BY: DJK

REVISION #:



TITLE SURVEY OF 11.47 ACRES ± (TRACT 1) AND 1.19 ACRES ± (TRACT 2) OUT OF OUTLOTS NO. 28 & NO. 31, IN DIVISION "A", CITY OF AUSTIN, TRAVIS COUNTY, TX

EXHIBIT A

LEGEND

- 1/2" IRON ROD SET (PINK CAP STAMPED "SURVEY WORKS 6356")
- 1/2" IRON ROD FOUND (UNLESS NOTED)
- 1/2" IRON PIPE FOUND (UNLESS NOTED)
- ▼ MAG NAIL FOUND
- ▲ CALCULATED POINT
- △ MAG NAIL SET WITH WASHER STAMPED "SURVEY WORKS 6356"
- GAS VALVE
- LIGHT POLE
- WATER VALVE
- GUY ANCHOR
- VAULT TELEPHONE
- FIRE HYDRANT
- WASTE WATER MANHOLE
- STORM DRAIN MANHOLE
- BOLLARD
- ELECTRIC PANEL
- TELEPHONE PEDESTAL
- IRRIGATION CONTROL VALVE
- ELECTRIC METER
- UTILITY METER
- POWER POLE
- OVERHEAD UTILITY
- HOEWIRE FENCE
- WOOD FENCE
- CHAIN LINK FENCE
- WROUGHT IRON FENCE
- PROPERTY LINE
- EDGE OF PAVEMENT
- ADJOINER LINE
- EASEMENT LINE
- FLOOD HAZARD LINE
- CONCRETE AREA
- RIP WRAP AREA
- R.O.W.
- () RIGHT OF WAY
- S.B.L. SETBACK LINE
- P.U.E. PUBLIC UTILITY EASEMENT
- D.E. DRAINAGE EASEMENT
- S.S.E. SANITARY SEWER EASEMENT
- VOL. PG. VOLUME AND PAGE
- P.R.T.C. PLAT RECORDS, TRAVIS COUNTY
- ON/OFF FENCELINE ON/OFF
- SUBJECT TO PROPERTY
- NOW OR FORMERLY DOCUMENT NUMBER
- OFFICIAL PUBLIC RECORDS
- TRAVIS COUNTY
- RCP REINFORCED CONCRETE PIPE

FLOOD INFORMATION

PER WWW.FEMA.GOV, A PORTION OF THIS PROPERTY APPEARS TO BE LOCATED IN ZONE AE. THIS PROPERTY WAS FOUND IN MAP NUMBER 48453C04653, DATED 01/22/2020.

DATUM & BEARING BASIS

TEXAS STATE PLANE COORDINATE SYSTEM, GRID NORTH, CENTRAL ZONE (4209), NAD 83, ELEVATION DATA NAVD 88, GEDID 128, DISTANCES IN US SURVEY FEET (GRID).

GENERAL NOTES

- 1) THIS PROPERTY IS SUBJECT TO ANY AND ALL RECORDED AND UNRECORDED EASEMENTS. SURVEYOR HAS MADE NO INVESTIGATION FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS OR OWNERSHIP TITLE EVIDENCE.
- 2) THIS SURVEY ONLY SHOWS ABOVE GROUND IMPROVEMENTS.
- 3) SUBJECT TO ALL APPLICABLE CITY OF AUSTIN DEVELOPMENT CODES AND ZONING ORDINANCES.
- 4) DUE TO DIFFERING BUILDING PRACTICES, BUILDING DIMENSIONS ARE APPROXIMATE.
- 5) ANY UTILITIES SHOWN HEREON MAY BE EXAGGERATED FOR GRAPHIC REPRESENTATION ONLY.
- 6) OWNERSHIP DEED RECORDED IN DOCUMENT NO. 2013014224, TRAVIS COUNTY RECORDS.

TO: PROPOSED INSURED (PLANS/CAPITAL BANK) AND CURRENT OWNER (3423 HOLDINGS LLC)

THE UNDERSIGNED DOES HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND OF THE PROPERTY SHOWN HEREON UNDER MY DIRECTION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS STANDARDS AND SPECIFICATIONS FOR A CATEGORY 1A, CONDITION II LAND TITLE SURVEY.

DATE OF LAST FIELD WORK: MARCH 13, 2020

DEREK KINSAIL, R.P.L.S. NO. 6356 MAY 14, 2020
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REVISION #:



MISSOURI, KANSAS AND TEXAS RAILROAD (PER PLAT VOL. 31, PG. 27) (NO INFORMATION AVAILABLE PER TRAVIS COUNTY APPRAISAL DISTRICT)

TRACT 2
1.19 ACRE TRACT ±

Being a portion of Lot 1, of Siegmund Addition, Section Four, as recorded in Volume 31, Page 27, Plat Records of Travis County, Texas, being more particularly described by metes and bounds as follows:

COMMENCING at a mag nail found with washer stamped "COA Public Works", for the northeast corner of the remainder of a called 11.84 acre tract, as recorded in Document No. 2019190740, Official Public Records of Travis County, Texas, being a point in the south right of way line of Lyons Road.

Thence, S 19°52'19"W a distance of 9.85 feet along the south right of way line of Lyons Road and along the east line of the remainder of said 11.84 acre tract, to a mag nail found, being the northwest corner of Lot 1, of said Siegmund Addition, Section Four.

Thence, S 20°14'44"W a distance of 193.00 feet along the east line of the remainder of said 11.84 acre tract, common with the west line of said Lot 1, to a mag nail set with washer stamped "Survey Works 6356", for the POINT OF BEGINNING and the northwest corner of the herein described tract.

Thence, over and across a portion of Lot 1, common with the south lines of Lots 2 through 8 and a portion of the south line of Lot 9 of Siegmund Addition, Section Four the following (5) bearings and distances:

1. S 69°28'16"E a distance of 200.00 feet to a calculated point at the southeast corner of Lot 4 of said Siegmund Addition, Section Four, for an angle point.
2. S 84°02'16"E a distance of 103.20 feet to a calculated point at the southeast corner of Lot 7, for an angle point.
3. N 82°24'41"E a distance of 55.11 feet to a calculated point at the southeast corner of Lot 7, for an angle point.
4. S 82°17'16"E a distance of 55.11 feet to a calculated point at the southeast corner of Lot 6, for an angle point.
5. S 80°52'10"E a distance of 23.52 feet to an iron rod set (12-inch diameter) with a pink cap stamped "Survey Works 6356", being the south corner of Lot 9, being the east corner of Lot 1, a point in the northwesterly right of way line of Missouri, Kansas and Texas railroad, for the east corner of the herein described tract.

Thence, S 70°54'22"W a distance of 545.81 feet along the southeasterly line of said Lot 1, common with the northwesterly right of way line of said railroad, to an iron pipe found (bent), being the southwest corner of said Lot 1, for the southwest corner of the herein described tract.

Thence, N 20°14'44"W a distance of 279.53 feet along the west line of said Lot 1, common with the east line of the remainder of said 11.84 acre tract, to the POINT OF BEGINNING, it all containing 1.19 acres of land, more or less.

TRACT 1
11.47 ACRE TRACT ±

Being out of Outlots Number 28 and Number 31, in Division "A", City of Austin, Travis County, Texas, being a called 11.84 acre tract, save and except a called 10.319 Sq. Ft. of land, as recorded in 2019190740, Official Public Records of Travis County, Texas, being more particularly described by metes and bounds as follows:

BEGINNING at a mag nail found with washer stamped "COA Public Works", for the northeast corner of the remainder of said 11.84 acre tract, being a point in the south right of way line of Lyons Road, for the northeast corner of herein described tract.

Thence, 19°52'19"W a distance of 9.85 feet along the south right of way line of Lyons Road, along the east line of the remainder of said 11.84 acre tract, to a mag nail found, being the northwest corner of the Lot 1, of said Siegmund Addition, Section Four.

Thence, S 20°14'44"W a distance of 193.00 feet, along the east line of the remainder of said 11.84 acre tract, common with the west line of Lot 1, to a calculated point being the southeast corner of the herein described tract.

Thence, S 20°14'44"W a distance of 279.53 feet, along the west line of said Lot 1, common with the east line of the remainder of said 11.84 acre tract, to an iron pipe found (bent), being the southwest corner of said Lot 1, the southeast corner of the remainder of said 11.84 acre tract, and a point in the north right of way line of the Missouri, Kansas and Texas railroad, for the southeast corner of the herein described tract.

Thence, S 71°12'29"W a distance of 847.29 feet, along the south line of the remainder of said 11.84 acre tract, common with the northwesterly right of way line of said railroad, to an iron rod found (12-inch diameter), being at the southwest corner of the remainder of said 11.84 acre tract and a point in the northwesterly right of way line of Missouri, Kansas and Texas railroad, for the southwest corner of the herein described tract.

Thence, N 19°47'42"E a distance of 1027.31 feet, along the west line of the remainder of said 11.84 tract of land, common with the east right of way line of Tillery Street, to an iron rod found (12-inch diameter) capped "COA Public Works", being the northeast corner of the remainder of said 11.84 tract of land, and at the intersection of Tillery Street and Lyons Road, for the northeast corner of the herein described tract.

Thence, S 68°56'30"E a distance of 664.71 feet, along the north line of the remainder of said 11.84 acre tract, common with the south right of way line of Lyons Road to the POINT OF BEGINNING, it all containing 11.47 acres of land, more or less.



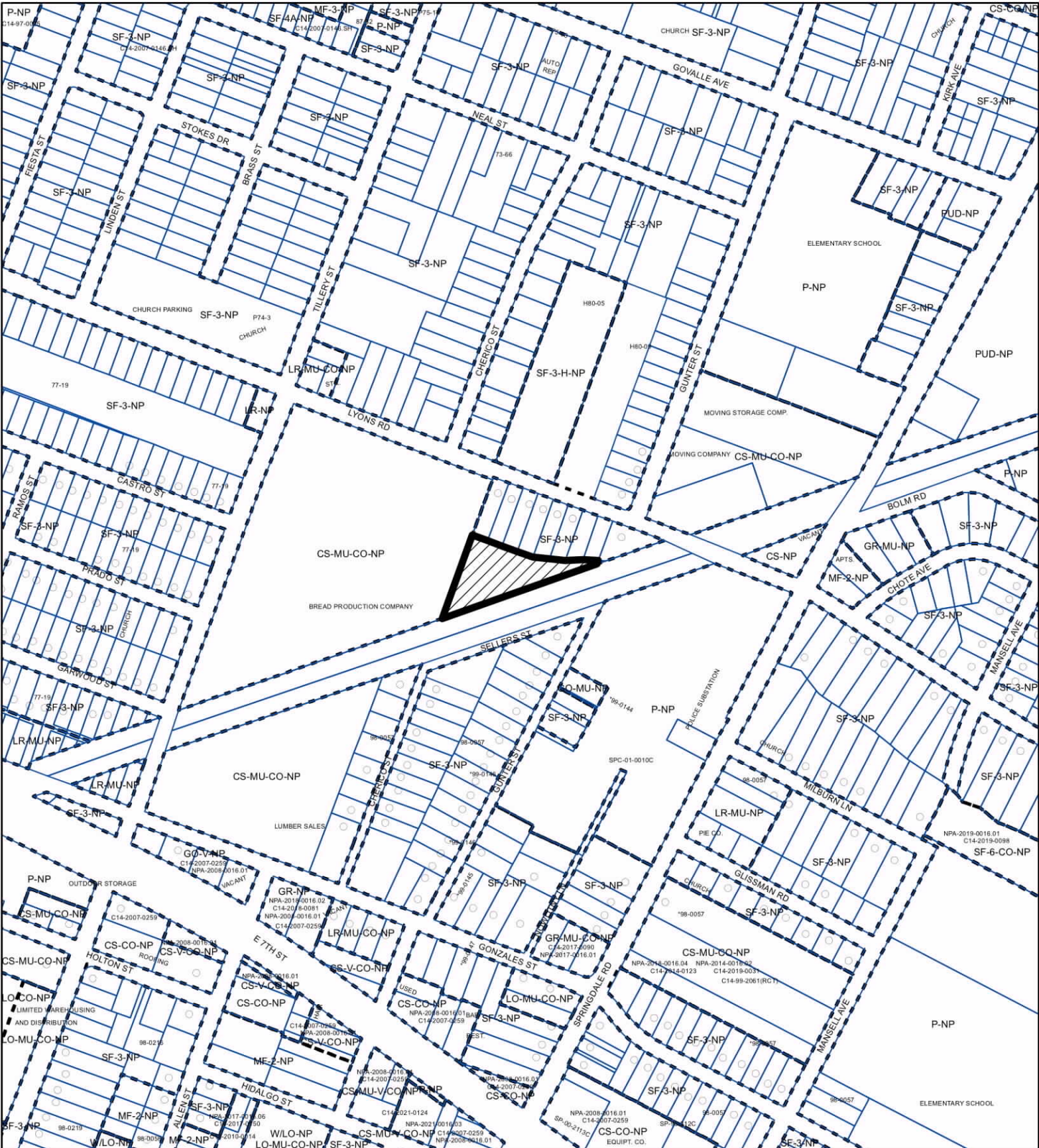
PROJECT NO. 20-0056
701 TILLEY STREET
AUSTIN, TX






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AUSTIN, TX 78743
1806 F332433.7
(512) 599-8067

SHEET

1 of 1



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 400'

ZONING
ZONING CASE#: C14-2023-0018.SH
EXHIBIT B

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Housing and Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or



Created: 2/21/2023